

Service Date: May 21, 2001

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER of the Application)	UTILITY DIVISION
of Qwest Corporation)	
for Authority to Detariff Its)	DOCKET NO. D2000.1.4
Directory Assistance Services)	ORDER NO. 6228c

ORDER ON RECONSIDERATION

Background

1. The Montana Public Service Commission (Commission) issued Final Order No. 6228b in this docket on January 22, 2001. On February 12, 2001 Qwest Corporation filed a Motion for Reconsideration, asserting that the Commission made an “inadvertent error” when it stated that the Qwest application “would not affect directory service provided to payphone service providers who subscribe to Public Access Lines (PAL).” Order No. 6228b at 1; Motion for Reconsideration at 2. Qwest contends that its application in this docket included a request to detariff directory assistance to payphone providers, and that on reconsideration the Commission “should specify that DA services to PAL are detariffed in the same fashion as was specified in Order No. 6228b for all other business lines.” Id.

Discussion

2. In the application initiating this docket Qwest wrote that it “seeks in this docket, pursuant to Mont. Code Ann. § 69-3-807, an order of the Commission which authorizes it to detariff the prices, terms and conditions of its directory assistance services.” Qwest may have intended by this to include directory assistance to PAL. However, the record does not contain prima facie support for detariffing directory assistance to PAL. A reference to such directory assistance is contained in the prefiled direct testimony of Qwest witness David Teitzel, noted in Qwest’s Motion for Reconsideration, wherein Mr. Teitzel merely describes the charge for payphone directory assistance service. Teitzel direct, p. 2. Mr. Teitzel does not provide argument in his prefiled testimony for detariffing payphone directory assistance service.

3. More importantly, whatever confusion there may have been about whether payphone directory assistance service was among the services to be considered for detariffing in

this docket, was cleared up at the hearing in this exchange between Commissioner Anderson and Qwest witness Teitzel:

Commissioner Anderson: Thanks, Mr. Chairman.

Examination

By Commissioner Anderson:

Q: Mr. Teitzel, I'm interested in pay phones. Would you explain for the record how DA services are provided through pay phones, how they're charged, what the cost is, and how – if it would, if Qwest's request to detariff DA is granted – how provision of those services through pay phones would be changed.

A: Let me, if I could, Commissioner Anderson, answer your last question first. Quest [sic] is asking in this docket to detariff its retail Directory Assistance product, and I think pay phones would be considered a separate category of service. It carries a separate charge, a different level of charge, than retail Directory Assistance, and I think it would be considered something that would be not a retail Directory Assistance product.

Q: Unaffected by this filing?

A: Right.

The Commission finds that Order No. 6228b does not contain “inadvertent error.” Rather, it reflects the plain declaration of Qwest's witness on the scope of the docket. Order No. 6228b does not contain a Commission conclusion that payphone directory assistance should not be detariffed. It contains instead a conclusion that detariffing payphone directory assistance may raise issues different from those raised by detariffing other directory assistance services (as indicated by Commissioner Anderson's questions), and that those issues were not explored, nor, according to Mr. Teitzel, were they intended to be explored in this docket. Qwest is free to file to detariff payphone directory assistance in Montana.

CONCLUSIONS OF LAW

1. The Commission has authority to supervise, regulate and control public utilities. Section 69-3-102, MCA. Qwest is a public utility offering regulated telecommunications services in the State of Montana. Section 69-3-101, MCA.

2. The Commission has authority to do all things necessary and convenient in the exercise of powers granted to it by the Montana Legislature and to regulate the mode and manner

of all investigations and hearings of public utilities and other parties before it. Section 69-3-103, MCA.

3. Adequate public notice and an opportunity to be heard has been provided to all interested parties in this Docket, as required by the Montana Administrative Procedure Act, Title 2, Chapter 4, MCA.

4. The Commission may authorize the provision of regulated telecommunications service under terms and conditions that best serve the policy of the state of Montana, and may authorize the detariffing of telecommunications services totally, or in part. Section 69-3-807, MCA.

ORDER

Therefore, for the reasons stated herein, Qwest's Motion for Reconsideration is denied, and Order No. 6228b is affirmed.

DONE AND DATED this 13th day of March, 2001, by a vote of 4 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

NOTE: You may be entitled to judicial review in this matter. Judicial review may be obtained by filing a petition for review within thirty (30) days of the service of this order. Section 2-4-702, MCA.